

The Senate Regulated Industries and Utilities Committee offered the following substitute to HB 1105:

A BILL TO BE ENTITLED

AN ACT

To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to authorize partners, officers, and employees of an individual licensee to engage in the business of conditioned air contracting upon the licensee's death for 180 days; to provide a fine and penalties for the unauthorized use of a license number of a conditioned air contractor; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, is amended by striking subsection (h) of Code Section 43-14-8, relating to licensing required for electrical, plumbing, or conditioned air contracting, and inserting a new subsection (h) to read as follows:

"(h) No partnership, limited liability company, or corporation shall have the right to engage in the business of conditioned air contracting unless there is regularly connected with such partnership, limited liability company, or corporation a person or persons actually engaged in the performance of such business on a full-time basis who have valid licenses issued to them as provided for in this chapter; provided, however, that partners, officers, and employees of the individual who fulfilled the licensing requirements shall continue to be authorized to engage in the business of conditioned air contracting under a license which was valid at the time of the licensee's death for a period of ~~90~~ 180 days following the date of such death."

SECTION 2.

Said title is further amended by striking subsection (e) of Code Section 43-14-12.1, relating to evidence of violation of licensing requirements, and inserting in lieu thereof new subsections (e) and (f) to read as follows:

"(e) In the event that any person misappropriates and uses the license number of a licensed conditioned air contractor in any manner in which he or she is not so authorized, including, but not limited to, obtaining a construction or building permit, the board shall be authorized to impose a civil penalty not to exceed \$1,000.00 for each occurrence thereof. Furthermore, such person may be prohibited from obtaining a conditioned air license for a period of five years from the date of the last violation in the event that he or she makes application to the board for such license.

(f) Nothing in this Code section shall be construed to prohibit the board from seeking remedies otherwise available by statute without first seeking a cease and desist order in accordance with the provisions of this Code section."

SECTION 3.

Said title is further amended by striking paragraph (2) of subsection (a) of Code Section 43-41-6, relating to applications and examinations for residential and general contractors, and inserting in its place a new paragraph (2) to read as follows:

"(2) An individual person affiliated by ownership or employment with and acting as a qualifying agent for a business organization seeking to engage in the profession of residential or general contracting in the name of the business organization in accordance with and pursuant to Code Section 43-41-9.

Additionally, all applicants must submit to and successfully pass an examination prepared by, prepared for, or approved by the appropriate division, except where an applicant is otherwise qualified for licensure and has satisfied the appropriate division requirements and regulations for licensure pursuant to Code Section 43-41-8 exempting such applicant from the examination requirement or where the applicant is an individual acting as a qualifying agent for a business organization and has previously obtained and maintained continuously a license issued by the appropriate division."

SECTION 4.

Said title is further amended by striking paragraphs (1) and (2) of subsection (f) of Code Section 43-41-6, relating to applications and examinations for residential and general contractors, and inserting in their place new paragraphs (1) and (2) to read as follows:

“(f)(1) The residential contractor division and the general contractor division shall each conduct or cause to be conducted an examination of all qualified applicants, except those exempted from the examination requirement pursuant to Code Section 43-41-8.

(2) The residential contractor division shall conduct or cause to be conducted separate examinations for applicants for residential-basic and residential-light commercial licenses for the purpose of determining a particular applicant's ability to make a practical application of his or her knowledge of the profession of residential contracting in the particular subcategory for which a license is sought; the applicant's qualifications in reading plans and specifications; his or her knowledge of building codes, estimating costs, construction, ethics, contracting, and other similar matters pertaining to such residential contracting business; his or her knowledge as to the responsibilities of a residential contractor to the public and to owners, subcontractors, and suppliers; and his or her knowledge of the requirements of the laws of this state relating to residential-basic and residential light-commercial contractors, construction, workers' compensation, insurance, and liens."

SECTION 5.

Said title is further amended by striking subsection (f) of Code Section 43-41-17, relating to the effective date of licensing and sanctioning provisions pertaining to residential and general contractors, compliance with local requirements, and certain exemptions and exceptions, and inserting in its place a new subsection (f) to read as follows:

"(f) Nothing in this chapter shall preclude a specialty contractor from offering or contracting to perform or undertaking or performing for an owner limited, specialty, or specific trade contractor work, ~~which does not entail the delegation or assignment to or engagement of any other person or entity, other than direct employees, to supervise, manage, or oversee the performance of any portion of the work undertaken.~~ However, nothing in this chapter shall permit a specialty contractor to perform work falling within the licensing requirements of Chapter 14 of this title where such specialty contractor is not duly licensed under such chapter to perform such work. The board shall by rule or policy identify specific trade work or specialty contractors that are eligible for exemption that would otherwise require a license under this chapter."

SECTION 6.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 7.

- 1 All laws and parts of laws in conflict with this Act are repealed.